

1988 No. 2293

MARINE POLLUTION

**The Merchant Shipping (Reception Facilities for
Garbage) Regulations 1988**

Made - - - - - 23rd December 1988

Coming into force 31st December 1988

The Secretary of State for Transport in exercise of the powers conferred on him by article 2 of the Merchant Shipping (Prevention of Pollution by Garbage) Order 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement, interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988 and shall come into force on 31st December 1988.

(2) For the purpose of these Regulations:

“adequate” means in relation to reception facilities for garbage from ships, adequate to receive garbage from ships using the port or terminal in question without causing undue delay to, and according to the needs of, those ships;

“garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except sewage originating from ships;

“harbour” means a harbour, port, estuary, haven, dock or other place used by ships but does not include a terminal as hereinafter defined;

“harbour authority” means a person or body of persons having, for the time being, the management of a harbour in the United Kingdom;

“harmful substances in packaged form” means those substances which are identified as marine pollutants in the IMDG Code and which are in the form of containment specified in the schedules of that Code;

“noxious liquid substances” and “non-polluting liquid substances” have the meanings respectively given to them in the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987(b);

“oil” and “oily mixtures” have the meanings respectively given to them in the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983(c);

“operational wastes” means all maintenance wastes, cargo associated wastes and cargo residues except residues or wastes from oil or oily mixtures, noxious liquid substances, non-polluting liquid substances or harmful substances in packaged form but does not include waste directly arising from the exploration, exploitation and associated off-shore processing of sea bed mineral resources;

“reception facilities” means facilities into which ships may discharge garbage;

(a) S.I. 1988/2252.

(b) S.I. 1987/551.

(c) S.I. 1983/1398, to which there is an amendment not relevant to these regulations.

“ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a floating platform but excludes hovercraft;

“terminal” means a terminal, jetty, pier, wharf, or mono-buoy used by ships which is within a harbour but is managed by a person or body of persons other than the harbour authority for that harbour;

“terminal operator” means a person or body of persons having, for the time being, the management of a terminal;

“the IMDG Code” means the 1977 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organisation, as amended from time to time by any document which is considered by the Secretary of State to be relevant and is specified in a Merchant Shipping Notice.

Application

2.—(1) These Regulations apply to every harbour authority or terminal operator of a harbour or terminal in the United Kingdom or the territorial waters thereof.

(2) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations to any harbour authority or terminal operator.

Requirement to provide adequate reception facilities

3.—(1) The powers exercisable by a harbour authority or terminal operator in respect of any harbour or terminal in the United Kingdom shall include power to provide reception facilities for garbage from ships using the harbour or terminal.

(2) Any power of a harbour authority or terminal operator to provide such reception facilities shall include power to join with any other person in providing them, and references in these Regulations to the provision of such reception facilities by a harbour authority shall be construed accordingly; and any such power shall also include power to arrange for the provision of such facilities by any other person.

(3) Subject to any directions given by the Secretary of State under regulation 4 below, a harbour authority in respect of its harbour, except any part thereof which is a terminal managed separately by a terminal operator, and a terminal operator in respect of its terminal shall ensure that—

- (i) if the harbour or terminal has reception facilities for garbage from ships, those facilities are adequate, or
- (ii) if the harbour or terminal has no such facilities, adequate facilities are provided.

(4) A harbour authority or terminal operator shall provide the Secretary of State with such information as he directs in respect of any reception facilities for garbage from ships provided by it or by arrangement with it at its harbour or its terminal as the case may be.

Direction to provide adequate reception facilities

4. Where in the case of any harbour or terminal it appears to the Secretary of State, after consultation with the harbour authority or terminal operator, that:

- (a) the harbour or terminal has no reception facilities for garbage from ships, or
- (b) if the harbour or terminal has such reception facilities for garbage, those facilities are not adequate;

the Secretary of State may direct the harbour authority or terminal operator to provide, or arrange for the provision of, such reception facilities as may be specified in the direction.

Use of reception facilities

5.—(1) A harbour authority or terminal operator providing reception facilities for garbage from ships, or a person providing such facilities by arrangement with a harbour authority or terminal operator, may make reasonable charges for the use of those facilities, and may impose reasonable conditions in respect of the use thereof.

(2) Any such reception facilities provided by, or by arrangement with, a harbour authority or terminal operator shall, on payment of charges, and subject to any conditions imposed in accordance with paragraph (1), be open to all vessels which in the opinion of the harbour authority or terminal operator (as appropriate) are using the harbour or terminal for a primary purpose other than utilising the reception facilities.

Penalties

6. Any harbour authority or terminal operator which fails to comply with any direction given under regulation 3(3) or 4 above within the period specified in the direction, or within any extended period allowed by the Secretary of State (whether before or after the end of the period so specified), shall be guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

Signed by authority of the Secretary of State
23rd December 1988

Michael Portillo,
Minister of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, with the Merchant Shipping (Control of Pollution by Garbage) Regulations 1988, give effect to provisions of Annex V of the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd 5748). They apply to harbour authorities and operators of terminals used by ships.

Harbour authorities and terminal operators are given power to provide reception facilities for garbage from ships and are required to ensure that the facilities at their harbour or terminal are adequate (Regulation 3). The Secretary of State may, when the facilities appear to him not to be adequate, specify the facilities to be provided (Regulation 4). Provision is made for reasonable charges to be made and reasonable conditions to be imposed for the use of such facilities.

A harbour authority or terminal operator which fails to comply with any direction of the Secretary of State regarding the provision of reception facilities or does not provide him with the information he needs about them commits an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale (currently £2000).

Documents published by the International Maritime Organisation are available from that organisation at 4 Albert Embankment, London SE1 7SR.